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13 Attorneys for Plaintiff JENS ERIK SORENSEN,
14 as Trustee of SORENSEN RESEARCH AND
15 DEVELOPMENT TRUST

16 UNITED STATES DISTRICT COURT
17 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

18 JENS ERIK SORENSEN, as Trustee of) Case No. 08 cv 233 BTM CAB
19 SORENSEN RESEARCH AND)
20 DEVELOPMENT TRUST,) PLAINTIFF'S NOTICE OF MOTION
) AND MOTION TO MODIFY
21 Plaintiff) PATENT LOCAL RULES
) SCHEDULE TO ACCELERATE
22 v.) IDENTIFICATION OF CLAIMED
23 GLOBAL MACHINERY COMPANY,) INVALIDATING PRIOR ART
24 an Australian company; GMCA PTY.)
25 LTD., an Australian company;) Date: May 23, 2008
26 TRAPONE CORPORATION PTY.) Time: 11:00 a.m.
27 LTD., an Australian company; and DOES) Hon. Barry T. Moskowitz
28 1 – 100,)
) NO ORAL ARGUMENTS UNLESS
Defendants.) ORDERED BY THE COURT
)

1 TO ALL PARTIES HEREIN AND THEIR ATTORNEYS OF RECORD:

2 NOTICE IS HEREBY GIVEN that on the date and time listed above, or as
3 soon thereafter as the matter may be heard, before the Honorable Barry Ted
4 Moskowitz, Plaintiff JENS E. SORENSEN, as TRUSTEE OF THE SORENSEN
5 RESEARCH AND DEVELOPMENT TRUST, hereby moves the Court to modify
6 patent local rules schedule to accelerate identification of claimed invalidating prior
7 art. The motion is based on the following grounds:

8 1. The stays pending PTO reexamination of the subject '184 patent have
9 been based on the expectation that the Court is shifting the patent validity issue to
10 the PTO so that all prior art presented to the Court will have been first considered by
11 the PTO.

12 2. The Court's expectation cannot be met if the other defendants asserting
13 invalidity of the '184 patent due to invalidating prior art do not identify that prior art
14 in time for it to be considered by the PTO during the pending reexaminations.

15 This motion is based upon this Notice, and the concurrently filed documents in
16 support thereof: Memorandum of Points and Authorities; and Declaration of Melody
17 Kramer.

18
19 DATED this Wednesday, March 26, 2008.

20
21 JENS ERIK SORENSEN, as Trustee of
22 SORENSEN RESEARCH AND DEVELOPMENT
23 TRUST, Plaintiff

24 /s/ Melody A. Kramer

25 J. Michael Kaler, Esq.
26 Melody A. Kramer, Esq.
27 Attorney for Plaintiff
28

PROOF OF SERVICE

I, Melody A. Kramer, declare: I am and was at the time of this service working within in the County of San Diego, California. I am over the age of 18 year and not a party to the within action. My business address is the Kramer Law Office, Inc., 9930 Mesa Rim Road, Suite 1600, San Diego, California, 92121.

On Wednesday, March 26, 2008, I served the following documents:

PLAINTIFF'S NOTICE OF MOTION AND MOTION TO MODIFY PATENT LOCAL RULES SCHEDULE TO ACCELERATE IDENTIFICATION OF CLAIMED INVALIDATING PRIOR ART

MEMORANDUM OF POINTS & AUTHORITIES IN SUPPORT OF PLAINTIFF'S MOTION TO MODIFY PATENT LOCAL RULES SCHEDULE TO ACCELERATE IDENTIFICATION OF CLAIMED INVALIDATING PRIOR ART

DECLARATION OF MELODY A. KRAMER IN SUPPORT OF PLAINTIFF'S MOTION TO MODIFY PATENT LOCAL RULES SCHEDULE TO ACCELERATE IDENTIFICATION OF CLAIMED INVALIDATING PRIOR ART

PERSON(S) SERVED	PARTY(IES) SERVED	METHOD OF SERVICE
THOMAS W. FERRELL, ESQ. tferrell@higgslaw.com HIGGS, FLETCHER & MACK LLP 401 West "A" Street, Suite 2600 San Diego, CA 92101-7913	Global Machinery Company; GMCA Pty. Ltd; Trapone Corporation Pty Ltd.	Email - Pleadings Filed with the Court via ECF
MARK G. KACHIGIAN mkachigian@hjkllaw.com CASSANDRA L. WILKINSON cwilkinson@hjkllaw.com HEAD, JOHNSON & KACHIGIAN, P.C. 228 West 17th Place Tulsa, Oklahoma 74119	Global Machinery Company; GMCA Pty. Ltd; Trapone Corporation Pty Ltd.	Email - Pleadings Filed with the Court via ECF

☐ (Personal Service) I caused to be personally served in a sealed envelope hand-delivered to the office of counsel during regular business hours.

☐ (Federal Express) I deposited or caused to be deposited today with Federal Express in a sealed envelope containing a true copy of the foregoing documents with fees fully prepaid addressed to the above noted addressee for overnight delivery.

☐ (Facsimile) I caused a true copy of the foregoing documents to be transmitted by facsimile machine to the above noted addressees. The facsimile transmissions were reported as complete and without error.

☐ (Email) I emailed a true copy of the foregoing documents to an email address represented to be the correct email address for the above noted addressee.

☒ (Email--Pleadings Filed with the Court) Pursuant to Local Rules, I electronically filed this document via the CM/ECF system for the United States District Court for the Southern District of California.

☐ (U.S. Mail) I mailed a true copy of the foregoing documents to a mail address represented to be the correct mail address for the above noted addressee.

I declare that the foregoing is true and correct, and that this declaration was executed on Wednesday, March 26, 2008, in San Diego, California.

/s./ Melody A. Kramer

Melody A. Kramer